

 <p style="text-align: center;"><b>County of Sacramento</b>  <b>Department of Health Services</b>  <b>Division of Behavioral Health Services</b>  <b>Policy and Procedure</b></p>	Policy Issuer (Unit/Program)	BHS-CMH-YDF
	Policy Number	08-12
	Effective Date	10/2009
	Revision Date	07/2017
Title: Accounting of Disclosures	Functional Area: Health Information Management	
Approved By:		
Matthew Quinley, LCSW Health Program Manager	Christopher Eldridge, LMFT Mental Health Program Coordinator	

**Background/Context:**

The federal Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule grants clients the right to receive a listing, known as an Accounting of Disclosure, of their information made available by their health provider to another individual and/or entity outside of the covered health care component holding the protected health information (PHI) for reasons other than treatment, payment, health care operations or disclosures specifically authorized by the client or their legal representative. The disclosure is documented on the Accounting of Disclosure Form (Form 2097) which is maintained in the electronic mental health record (EHR).

**Purpose:**

The objective of this policy and procedure is to establish protocol for the Juvenile Justice Institutions Mental Health Team (JJIMHT) to ensure the proper documentation of uses and disclosures of PHI.

**Details:**

1. Disclosures of PHI Requiring an Accounting of Disclosure Include:
  - \*Assuming the disclosure is permitted by other confidentiality laws applicable to the individual's information and the purpose for which it was collected or maintained.
    - A. Abuse Report: PHI about an individual provided by JJIMHT members pursuant to mandatory abuse reporting laws to an entity authorized by law to receive the abuse report.
    - B. Audit: PHI provided by JJIMHT members from an individual's record in relation to an audit or review, whether financial or quality of care or other audit, of a provider or contractor. This is not applicable to internal audits related to performance improvement, Utilization Review, Quality Management or licensing reviews.
    - C. Health and Safety: PHI about an individual provided by JJIMHT members to protect the health or safety of a person.

- D. Licensee/Provider: PHI provided from an individual's record in relation to licensing or regulation or certification of a provider or licensee or entity involved in the case or services of the individual.
  - E. Legal Proceeding: PHI about an individual that is ordered to be disclosed pursuant to a court order in a court case or other legal proceeding. A copy of the court order shall be attached with the Accounting of Disclosure Form.
  - F. Law Enforcement Official/Court Order: PHI about an individual provided to a law enforcement official pursuant to a court order. A copy of the court order shall be included with the Accounting of Disclosure Form.
  - G. Law Enforcement Official/Deceased Client: PHI provided to a law enforcement official or medical examiner about an individual who has died for the purpose of identifying the deceased person, determining the cause of death or as otherwise authorized by law.
  - H. Law Enforcement Official/Warrant: PHI provided to a law enforcement official in relation to a fleeing felon for whom a warrant for their arrest has been issued and the law enforcement official has made a proper request for the information, to the extent otherwise permitted by law.
  - I. Media: PHI provided to the media (TV, newspaper, etc.) that is not within the scope of an authorization by the individual. JJIMHT members shall not release information to the media without the express consent of the Division of Behavioral Health Services Communications Officer and/or Division Director.
  - J. Public Health Official: PHI about an individual provided by JJIMHT members to a public health official such as reporting of a disease, injury or the conduct of a public health study or investigation.
  - K. Public Record: PHI about an individual that is disclosed pursuant to a public record request without the individual's authorization.
2. Multiple Disclosures to the Same Person or Entity
- A. If, during the time period covered by the accounting the JJIMHT has made multiple disclosures to the same person or entity for the same purpose, or as a result of a single written authorization by the client or legal representative, the JJIMHT provides:
    - I. Only the first disclosure made during the time period, the frequency or number of disclosures made to the same person or entity and the last date of the disclosure made during the requested time period.
3. Completion of an Accounting of Disclosure Form
- A. JJIMHT members shall document disclosures, as necessary, on DBHS Form 2097. The accounting must include:
    - I. The date of disclosure
    - II. The name of the entity or person who received the protected health information and, if known, the address of such entity or person
    - III. A brief description of the PHI disclosed
    - IV. A brief statement of the purpose of the disclosure that reasonably informs the client of the basis for the disclosure and a copy of the client's written authorization to use or disclose the PHI.

- B. Completed Accounting of Disclosure Forms (and any accompanying documents) shall be scanned into the youth's EHR under the HIPAA tab and shall be kept for the duration specified by current law.
- 4. Client Request for Accounting of Disclosures
  - A. Requests for an Accounting of Disclosures are made by having the client or legal representative complete the DBHS Accounting of Disclosures Request Form (Form #2096) which will be provided by a JJIMHT member.
  - B. JJIMHT members must respond to the request within 60 days of receipt of the written request by providing the client or legal representative with the accounting requested or extending the time to provide the accounting by no more than 30 days and provide a written statement of the reason(s) for the delay and the date by which the accounting will be provided.
  - C. The JJIMHT may deny or temporarily suspend a client's access to an Accounting of Disclosure in some circumstances. JJIMHT members shall follow all current laws, regulations and DBHS policies and procedures in such cases.

**Reference(s)/Attachments:**

DBHS Form 2096

DBHS Form 2097

**Related Policies:**

BHS-CMH-YDF-02-03-Confidentiality

BHS-CMH-YDF-08-01-Administrative, Technical and Physical Safeguards

BHS-CMH-YDF-08-02-DBHS Compliance Program

BHS-CMH-YDF-08-06-HIPAA Complaints and PHI/EPHI Breach Protocol

BHS-CMH-YDF-08-07-Record Management

BHS-CMH-YDF-08-08-Penalties for Privacy Violations

BHS-CMH-YDF-08-11-Methods for Releasing Protected Health Information

BHS-CMH-YDF-09-01-Countywide Personnel Policies and Procedures

**Contact Information:**

Christopher Eldridge, LMFT, Mental Health Program Coordinator, (916)876-9339,  
[eldridgec@saccounty.net](mailto:eldridgec@saccounty.net)